

1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 DEPARTMENT OF PUBLIC PROTECTION

3 OFFICE OF INSURANCE

4 DIVISION OF HEALTH INSURANCE POLICY AND MANAGED CARE

5 (Repealer)

6 806 KAR 38:031. Repeal of 806 KAR 38:030.

7 RELATES TO: KRS 13A.310, 304.4-010, 304.12-020, 304.12-050, 304.12-230,
8 304.38.050, 304.38-180

9 STATUTORY AUTHORITY: KRS 13A.310

10 NECESSITY, FUNCTION, AND CONFORMITY: Executive Order-064, filed
11 December 23, 2003, created the Environmental and Public Protection Cabinet. Executive Order
12 2004-031, filed January 6, 2004, abolished the Department of Insurance and transferred all its
13 “duties, functions, responsibilities, records, equipment, staff and support budgets” to the Office
14 of Insurance. KRS 13A.310 requires that an administrative regulation, once adopted, cannot be
15 withdrawn, but shall be repealed if it is desired that it no longer be effective. This administrative
16 regulation repeals 806 KAR 38-030, Contract Filing, Approval, which is no longer required
17 because the requirements are duplicated in 806 KAR 14:007, Rate And Form Filing For Health
18 Insurers, which establishes the requirements for form filings.

19 Section 1. 806 KAR 38-030, Contract Filing, Approval is hereby repealed.

APPROVED:

Glenn Jennings, Acting Executive Director
Kentucky Office of Insurance

Date

James Adams, Commissioner
Department of Public Protection

Date

LaJuana S. Wilcher, Secretary
Environmental and Public Protection Cabinet

Date

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on July 21, 2004, at 9:00 am the Kentucky Office of Insurance, 215 West Main Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by July 14, 2004, five work days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 2, 2004. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: William J. Nold
Melea Kelch
Kentucky Department of Insurance
215 West Main Street
P.O. Box 517
Frankfort, KY 40602-0517
Phone: 502-564-6032
Fax: 502-564-1456

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation: 806 KAR 38:031.

Contact Person: William J. Nold or Melea Kelch

(1) Provide a brief summary of:

What this administrative regulation does:

- (a) This administrative regulation repeals 806 KAR 38:030.
- (b) The necessity of this administrative regulation: This administrative regulation will repeal 806 KAR 38:030 since the necessary data collected by 806 KAR 38:030 is collected by 806 KAR 14:007 or other means.
- (c) How does this administrative regulation conform to the content of the authorizing statutes: KRS 13A.310 requires that an administrative regulation, once adopted, cannot be withdrawn, but shall be repealed if it is desired that it no longer be effective. This administrative regulation is no longer necessary and therefore the Office wishes to repeal this Administrative regulation.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will remove an Administrative Regulation that is no longer needed.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation? This is not an amendment.
- (b) The necessity of the amendment to this administrative regulation: N/A
- (c) How the amendment conforms to the content of the authorizing statutes: N/A
- (d) How the amendment will assist in the effective administration of the statutes: N/A

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation should not effect any entities. It only repeals a repetitive provision.
- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: All entities who were required to report under 806 KAR 38:030 will not need to as the reporting requirements have been simplified.
- (5) Provide an estimate of how much it will cost to implement this regulation:
- (a) Initially: No Cost.
 - (b) On a continuing basis. There should be no cost on a continuing basis.
- (6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation? The budget of the Kentucky Office of Insurance.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. N/A
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees.
- (9) TIERING: Is tiering applied? No, tiering does not apply since this Administrative Regulation repeals 806 KAR 38:030